

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

POC USA, LLC ,

Plaintiff,

v.

EXPEDITORS INTERNATIONAL OF
WASHINGTON, INC.,

Defendant.

Case No. C23-1816-RSM

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL

This matter comes before the Court on Plaintiff's Motion to Compel, Dkt. #21. Defendant oppose the Motion. Dkt. #24. For the reasons stated below, the Court DENIES Plaintiff's Motion to Compel.

The following facts are adopted from Plaintiff's Motion, Dkt. #21, and the responsive briefings, Dkts. #24 and #26.

On January 13, 2024, Plaintiff sent Defendant its First Interrogatories and Requests to Produce via email. Defendant did not respond to this discovery request. Several weeks after sending this email, Plaintiff inquired about the discovery request, and Defendant responded that the discovery request was not properly served per Fed. R. Civ. P. 5(b).

1 Defendant stated that Plaintiff would need to properly reserve the discovery for Defendant
2 to respond. Defendant argues that it never consented to service via email. Plaintiff argues
3 that Defendant consented to email service when it registered with the Court's CM/ECF
4 electronic filing system.

5 Under Fed. R. Civ. P. 5(b)(2)(E), service is rendered by sending a document to a
6 registered user by filing said document with the court's electronic filing system or by
7 sending it through other electronic means that the person consented to in writing. Per this
8 Court's Local Rules, "if a recipient is a registered participant in the ECF system, service
9 is complete when the document is electronically filed or uploaded to the docket." LCR
10 5(b).
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12 Defendant has not consented to service via email. Plaintiff did not file the
13 discovery requests with the Court via ECF, thus service was not completed through the
14 ECF system. The Court fails to see why Plaintiff could not properly serve Defendant, nor
15 why Defendant could not alert Plaintiff that it required proper service almost three months
16 ago in January. The Court is uninterested in settling these tedious procedural disputes
17 between officers of the court. Plaintiff could have already effectively served its discovery
18 requests without such drastic measures as filing a Motion to Compel. Accordingly, the
19 Court denies Plaintiff's Motion. In the interest of judicial economy and to avoid further
20 delays, however, the Court orders Defendant to respond to Plaintiff's discovery request
21 within fifteen days of this order. Moving forward, both parties should follow service
22 procedures as dictated by the Federal and Local Rules.
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1 Having reviewed the instant Motion, the responsive filings, and the remainder of
2 the record, the Court hereby finds and ORDERS that Plaintiff POC USA, LLC's Motion
3 to Compel, Dkt. #21, is DENIED. The Court also ORDERS Defendant Expeditors
4 International of Washington, Inc., to respond to Plaintiff's First Interrogatories and
5 Requests to Produce no later than fifteen (15) days after the filing of this Order.
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7 DATED this 11th day of April, 2024.
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10 RICARDO S. MARTINEZ
11 UNITED STATES DISTRICT JUDGE
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